Permit No.: SD0023361

SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Surface Water Discharge Permit
Authorizing Discharge
Under The South Dakota Surface Water Discharge System

In compliance with the provisions of the South Dakota Water Pollution Control Act and the Administrative Rules of South Dakota, Article 74:52,

City of Mitchell

is authorized under this permit to discharge to

the James River

from its wastewater treatment facility located approximately one and one-half miles east of the city in the Northeast ¼ of Section 26, Township 103 North, Range 60 West, (Latitude 43.697667°, Longitude -97.992417°), the lagoons located in the Northwest ¼ of Section 6, Township 102, North, Range 59 West, (Latitude 43.669861º, Longitude -97.967944º), all in Hanson County, South Dakota, and the lagoons located in the Northeast ¼ of Section 1, Township 102 North, Range 60 West, Davison County, South Dakota, in accordance with discharge points, effluent limits, monitoring requirements, and other conditions set forth herein. Authorization is limited to those outfalls specifically listed in the permit. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the South Dakota Water Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

This permit shall become effective [DATE].

This permit and the authorization to discharge shall expire at midnight, [EXPIRATION DATE].

Signed this day of ,

_____

Authorized Permitting Official

Steven M. Pirner
Secretary
Department of Environment and Natural Resources

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1.0 DEFINITIONS

"30-day (and monthly) Average" means the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.

"7-day (and weekly) Average" means the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. The calendar week that begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday.

"Acute Toxicity" occurs when 50 percent or more mortality is observed for either species at any effluent concentration. Mortality in the control must simultaneously be 10 percent or less for the effluent results to be considered valid.

The "**Approval Authority"** is the Secretary of the South Dakota Department of Environment and Natural Resources.

"ARSD" means the Administrative Rules of South Dakota.

An **"Authorized Release"** is a discharge from a permitted outfall that meets all permit conditions and effluent limits.

"Biosolids" means any sewage sludge or material derived from sludge that can be beneficially used. Beneficial use includes, but is not limited to, land application to agricultural land, forest land, a reclamation site or sale or give away to the public for home lawn and garden use.

"BOD_5" means Five-Day Biochemical Oxygen Demand. BOD is a measurement of the amount of oxygen utilized by the decomposition of organic material, over a specified time period (usually 5 days) in a sample.

A **"Bypass"** is the intentional diversion of waste streams from any portion of a collection system or treatment facility other than the permitted outfall(s). Bypasses do not include releases from the sanitary sewer collection system (see **"Sanitary Sewer Overflow"**) or emergency releases from the treatment facility (see **"Emergency Discharge"**). If a bypass results in a release of wastewater, it shall be sampled and reported as either a sanitary sewer overflow from the collection system or an emergency discharge from the treatment facility.

"Chronic Toxicity" occurs when the survival, growth, or reproduction, as applicable, for either test species, at the effluent dilution(s) designated in this permit, is significantly less (at the 95 percent confidence level) than that observed for the control specimens.

"Composite Samples" shall be flow proportioned. The composite sample shall contain at least four samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:

1. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;

2. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;

3. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,

4. Continuous collection of sample, with sample collection rate proportional to flow rate.

"Daily Maximum (Daily Max.)" is the maximum value allowable in any single sample or instantaneous measurement.

"DMR" means Discharge Monitoring Report, EPA Form 3320-1, or a report filed electronically by an EPA-approved electronic system, which is used to report sampling data.

An **"Emergency Discharge"** is a discharge from the treatment or containment system through a release structure or over or through retention dikes or walls. An emergency discharge is distinguished from a sanitary sewer overflow in that a sanitary sewer overflow discharges wastewater prior to reaching the treatment or containment system. An emergency discharge must meet the conditions of Section 3.2.1.

"EPA" or **"US EPA"** means United States Environmental Protection Agency.

A **"Grab Sample**,**"** for monitoring requirements, is a single "dip and take" sample collected at a representative point in the discharge stream.

IC25 (Inhibition Concentration) is a point estimate of the toxicant concentration that would cause a 25% reduction in a nonlethal biological measurement of the test organism, such as reproduction or growth.

An **"Industrial User"** is a non-domestic source of pollutants discharged into a publicly owned treatment works.

An **"Instantaneous Measurement**,**"** for monitoring requirements, is a single reading, observation, or measurement either taken at the facility or within 15 minutes of the sample.

"MGD" is the measure of flow rate meaning million gallons per day.

NOEC (No Observed Effect Concentration) is the highest tested concentration of an effluent or a toxicant at which no adverse effects are observed on the aquatic test organism at a specific time of observation. Determined using hypothesis testing.

"pH" is the measure of the hydrogen ion concentration of water or wastewater; expressed as the negative log of the hydrogen ion concentration. A pH of 7 is neutral. A pH less than 7 is acidic, and a pH greater than 7 is basic.

A **"Publicly-Owned Treatment Works"** or **"POTW"** is any device or system used in the treatment, including recycling and reclamation, of municipal sewage or industrial waste of a liquid nature that is owned by the state or a municipality. This term includes sewers, pipes, or other conveyances only if they convey wastewater to a publicly owned treatment works providing treatment.

A **"Sanitary Sewer Overflow"** or **"SSO"** is the intentional or unintentional discharge of untreated sewage from the sanitary sewer collection system, including sewer lines, manholes, lift stations, etc.

"SDDENR" means the South Dakota Department of Environment and Natural Resources.

"Secretary" means the Secretary of the South Dakota Department of Environment and Natural Resources, or authorized representative.

"Severe Property Damage" is substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"Sewage Sludge" is any solid, semi-solid, or liquid residue removed during the treatment of municipal wastewater or domestic sewage. Sewage sludge includes but is not limited to solids removed during primary, secondary or advanced wastewater treatment, scum, septage, portable toilet pumpings, and sewage sludge products. Sewage sludge does not include grit, screenings, or ash generated during the incineration of sewage sludge.

A **"Significant Industrial User"** is defined as an industrial user discharging to a publicly-owned treatment works (POTW) that satisfies any of the following:

1. Is subject to Categorical Pretreatment Standards under ARSD Chapter 74:52:10 (a.b.r. 40 CFR 403.6 and 40 CFR chapter I, subchapter N);

2. Discharge an average of 25,000 gallons per day or more of process wastewater to the publicly owned treatment works (excluding sanitary, non-contact cooling water, and boiler blowdown wastewater);

3. Contributes a process wastewater that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the publicly owned treatment works; or,

4. Is designated as such by the Secretary on the basis that the Industrial User has a reasonable potential for adversely affecting the publicly owned treatment works or for violating any pretreatment standard or requirement.

"TSS" means Total Suspended Solids. TSS is a measure of the filterable solids present in a sample.

An **"Unauthorized release"** is a discharge from the treatment or containment system through a release structure or over or through retention dikes or walls that does not meet all permit conditions or effluent limits. An unauthorized release is distinguished from an emergency discharge in that a permittee must document the discharge meets the conditions of Section 3.2.1. to be considered an emergency discharge.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limits because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2.0 PERMIT COVERAGE

2.1 Permit Transfers

1. Coverage under this permit may be transferred to a new permittee if:

    a. The signatory authority notifies the Secretary at least 30 days in advance of the proposed transfer date;

    b. The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

    c. The new permittee submits a Certification of Applicant form certifying the new permittee is qualified to perform the obligations of a permit holder in accordance with South Dakota Codified Law 1-40-27.

2. The Secretary will notify the existing and new permittee of his or her intent to transfer, modify, or revoke and reissue the permit based on the information received and other permit information.

2.2 Reopener Provisions

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limits (and compliance schedules, if necessary), or other appropriate requirements if one or more of the following events occurs:

1. Water Quality Standards: The water quality standards of the receiving waters applicable to this permit are modified in such a manner as to require different effluent limits than contained in this permit;

2. Water Quality Management Plan: A revision to the current water quality management plan is approved and adopted that calls for different effluent limits than contained in this permit;

3. Effluent Guidelines: Effluent limit guidelines are promulgated or revised for point sources covered by this permit;

4. Total Maximum Daily Load: Additional controls in the permit are necessary to implement a total maximum daily load approved by the Secretary and/or EPA;

5. Noncompliance: The discharger is a significant contributor of pollution to waters of the state, presents a health hazard, or is in noncompliance with the conditions of the permit;

6. Whole Effluent Toxicity: Whole effluent toxicity is detected in the discharge;

7. Pretreatment Program: The permittee is required to develop and implement a pretreatment program, regulating indirect discharges of wastewater into its publicly owned treatment works; or

8. Other Changes: Other conditions or standards change so that the discharge no longer qualifies for this permit, such as the permittee being designated as a major discharger, changes in necessary influent or effluent pollutant monitoring, additional industrial pretreatment requirements become applicable to the permittee, or other items.

2.3 Toxicity Limit-Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include a new compliance date, additional or modified numerical limits, a new or different compliance schedule, a change in the whole effluent protocol, or any other conditions related to the control of toxicants if one or more of the following events occur:

1. Toxicity was detected late in the life of the permit near or past the deadline for compliance.

2. The TRE results indicate that compliance with the toxic limits will require an implementation schedule past the date for compliance and the permit issuing authority agrees with the conclusion.

3. The TRE results indicate that the toxicant(s) represent pollutant(s) that may be controlled with specific numerical limits, and the permit issuing authority agrees that numerical controls are the most appropriate course of action.

4. Following the implementation of numerical controls on toxicants, the permit issuing authority agrees that a modified whole effluent protocol is necessary to compensate for those toxicants that are controlled numerically.

5. The TRE reveals other unique conditions or characteristics which, in the opinion of the permit issuing authority, justify the incorporation of unanticipated special conditions in the permit.

2.4 Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee must apply for and obtain coverage under a new permit. The permit application must be submitted at least 180 days before the expiration date of this permit. Periodically during the term of this permit and at the time of reissuance, the permittee may be requested to reaffirm its eligibility to discharge under this permit.

2.5 Continuation of the Expired Permit

An expired permit continues in full force and effect until a new permit is issued. If the permittee wishes to continue an activity regulated by this permit after its expiration date,

the permittee must submit an application at least 180 days before the expiration date of the permit.

2.6 Property Rights

1. The Secretary's issuance of this permit, adoption of design criteria, and approval of plans and specifications, does not convey any property rights of any sort, any exclusive privileges, any authorization to damage, injure or use any private property, any authority to invade personal rights, any authority to violate federal, state or local laws or regulations, or any taking, condemnation or use of eminent domain against any property owned by third parties.

2. The State does not warrant that the permittee's compliance with this permit, design criteria, approved plans and specifications, and operation under this permit, will not cause damage, injury or use of private property, an invasion of personal rights, or violation of federal, state or local laws or regulations. The permittee is solely and severably liable for all damage, injury or use of private property, invasion of personal rights, infringement of federal, state or local laws and regulations, or taking or condemnation of property owned by third parties, that may result from actions taken under the permit.

2.7 Permit Actions

The Secretary may modify, revoke and reissue, or terminate coverage under this permit for cause, including failure to comply with any provision of this permit or any condition imposed by the Secretary upon granting coverage under this permit. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

2.8 Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

3.0 EFFLUENT LIMITS

3.1 Description of Discharge Points

The authorization to discharge provided under this permit is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under this permit is a violation of the South Dakota Water Pollution Control Act and could subject the person(s) responsible for such discharge to penalties under Section 34A-2-75 of the Act. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge within a reasonable time from the permittee first learning of an unauthorized discharge could subject the permittee to penalties as provided under the South Dakota Water Pollution Control Act.

Outfall Number	Description of Discharge Points
001A	Any discharge from Cell #7 into the James River (Latitude 43.678044°, Longitude -97.954189°).
002N	Any discharge to waters of the state from the land application pump system or land application sites (Latitude 43.670453º, Longitude -97.966147º). **No discharge shall occur from Outfall 002.**
002R	Land application of wastewater to the land application sites (Latitude 43.670453º, Longitude -97.966147º). **Land application of wastewater is not considered a discharge.**
003N	Any discharge from the manual bypass gate in the flow equalization basin to Dry Run Creek (Latitude 43.697661º, Longitude -97.992414º). **No discharge shall occur from Outfall 003.**
004N	Any discharge from the stabilization pond located adjacent to the Mitchell wastewater treatment plant office site and raw wastewater pumping station to Dry Run Creek (Latitude 43.697778º, Longitude -97.992500º). **No discharge shall occur from Outfall 004.**

3.2 Emergency Discharges and Sanitary Sewer Overflows

1. Discharges of wastewater are prohibited from locations other than the discharge points described in **Section 3.1– Description of Discharge Points** and the Secretary may take enforcement action against a permittee, unless the discharge or sanitary sewer overflow is an emergency and meets each of the following conditions:

a. The emergency discharge or sanitary sewer overflow was unavoidable to prevent loss of life, threat to public health, personal injury, or severe property damage;

b. There were no feasible alternatives to the emergency discharge or sanitary sewer overflow, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment or proper operation and maintenance to prevent an emergency release that occurred during normal periods of equipment downtime or preventive maintenance; and,

c. The permittee submitted notices as required under **Section 4.16 – Emergency Release Reporting Requirements.**

2. If an emergency discharge, sanitary sewer overflow, or other discharge occurs or is expected to occur, the permittee shall take the appropriate measures to minimize the discharge of pollutants. Such measures may include the closing of facilities that contribute wastewater to the sewer system until the discharge is terminated.

3. Any emergency discharge or sanitary sewer overflow that meets the conditions of paragraph 1 above shall be reported as soon as possible (but in no case more than 24 hours after becoming aware of the circumstances) in accordance with the provisions in **Section 4.16 – Emergency Release Reporting Requirements**. The report shall be made to the Secretary at (605) 773-3351 during regular business hours (8:00 a.m. – 5:00 p.m. Central Time) or to the South Dakota Emergency Management at (605) 773-3231 any other time.

3.3 Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and treatment and control systems that are installed or used by the permittee to achieve compliance with the conditions of this permit or other conditions required by the Secretary upon issuance.

1. This may include the maintenance of freeboard levels of lagoons or holding ponds.

2. Proper operation and maintenance may also include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

3.4 Interim Effluent Limits – *Outfall 001A*

Effective immediately and lasting through **April 30, 2014** the quality of effluent discharged by the facility shall, as a minimum, meet the limits as set forth below:

Effluent Characteristic	**Effluent Limit**		
	30-Day Average [1]	**7-Day Average [1]**	**Daily Maximum [1]**
Five Day Biochemical Oxygen Demand (BOD_5), mg/L	30	45	N/A
Total Suspended Solids (TSS), mg/L	30	45	N/A
Fecal Coliform, no./100 mL [2] (May 1 – September 30)	1,000	N/A	2,000
Oil and Grease (hexane ext.), mg/L	N/A	N/A	10
Ammonia-Nitrogen (as N), lb/day[3]		N/A	
January 1 – January 31			
James River < 100 cfs	477		1,041
James River 100 cfs – 1000 cfs	917		2,091
James River > 1000 cfs	1,849		3,239
February 1 – February 29			
James River <100 cfs	477		1,041
James River 100 cfs – 1000 cfs	917		2,091
James River > 1000 cfs	1,849		3,239
March 1 – March 31			
James River <100 cfs	143		468
James River 100 cfs – 1000 cfs	309		1,015
James River > 1000 cfs	604		2,523
April 1 – April 30			
James River <100 cfs	143		468
James River 100 cfs – 1000 cfs	309		655
James River > 1000 cfs	594		1,068

Effluent Characteristic	Effluent Limit		
	30-Day Average [1]	7-Day Average [1]	Daily Maximum [1]
May 1 – May 31			
James River <100 cfs	80		141
James River 100 cfs – 1000 cfs	192		354
James River > 1000 cfs	306		572
June 1 – June 30			
James River <100 cfs	80		141
James River 100 cfs – 1000 cfs	192		354
James River > 1000 cfs	306		572
July 1 – July 31			
James River <100 cfs	80		141
James River 100 cfs – 1000 cfs	192		354
James River > 1000 cfs	306		572
August 1 – August 31			
James River <100 cfs	80		141
James River 100 cfs – 1000 cfs	192		354
James River > 1000 cfs	306		572
September 1 – September 30			
James River <100 cfs	107		201
James River 100 cfs – 1000 cfs	205		522
James River > 1000 cfs	323		849
October 1 – October 31			
James River <100 cfs	107		201
James River 100 cfs – 1000 cfs	205		522
James River > 1000 cfs	323		849
November 1 – November 30			
James River <100 cfs	115		201
James River 100 cfs – 1000 cfs	289		522
James River > 1000 cfs	466		849

Effluent Characteristic	Effluent Limit		
	30-Day Average [1]	**7-Day Average [1]**	**Daily Maximum [1]**
December 1 – December 31			
James River <100 cfs	477		1,041
James River 100 cfs – 1000 cfs	917		2,091
James River > 1000 cfs	1,849		3,239
The pH of the discharge shall not be less than 6.5 standard units nor greater than 9.0 standard units in any sample.			
There shall be no Acute Whole Effluent Toxicity in the discharge, as measured by the WET test.			
The Oil and Grease concentration shall not impart a visible film or sheen to the surface of the water or the adjoining shorelines.			
No chemicals, such as chlorine, shall be used without prior written permission.			

[1] See Definitions.

[2] Fecal Coliform organisms from May 1 to September 30 shall not exceed a concentration of 1,000 per 100 milliliters as a geometric mean based on a minimum of five samples obtained during separate 24-hour periods for any calendar month. They shall not exceed 2,000 per 100 milliliters in any one sample from May 1 to September 30.

[3] 30-day Average Ammonia-Nitrogen limits will be based upon the 30-day average instream flow of the James River. The daily maximum limit will be based upon the daily flow of the James River.

3.5 Final Effluent Limits – *Outfall 001A*

Effective **May 1, 2014,** and lasting through the life of this permit, the quality of effluent discharged by the facility shall, as a minimum, meet the limits as set forth below:

Effluent Characteristic	Effluent Limit		
	30-Day Average [1]	7-Day Average [1]	Daily Maximum [1]
Five Day Biochemical Oxygen Demand (BOD_5), mg/L	30	45	N/A
Total Suspended Solids (TSS), mg/L	30	45	N/A
Escherichia coli (E. coli), no./100 mL [2] (May 1 – September 30)	630	N/A	1,178
Oil and Grease (hexane ext.), mg/L	N/A	N/A	10
Ammonia-Nitrogen (as N), lb/day[3]		N/A	
January 1 – January 31			
James River < 100 cfs	477		1,041
James River 100 cfs – 1000 cfs	917		2,091
James River > 1000 cfs	1,849		3,239
February 1 – February 29			
James River <100 cfs	477		1,041
James River 100 cfs – 1000 cfs	917		2,091
James River > 1000 cfs	1,849		3,239
March 1 – March 31			
James River <100 cfs	143		468
James River 100 cfs – 1000 cfs	309		1,015
James River > 1000 cfs	604		2,523
April 1 – April 30			
James River <100 cfs	143		468
James River 100 cfs – 1000 cfs	309		655
James River > 1000 cfs	594		1,068
May 1 – May 31			
James River <100 cfs	80		141
James River 100 cfs – 1000 cfs	192		354
James River > 1000 cfs	306		572

Effluent Characteristic	Effluent Limit		
	30-Day Average [1]	7-Day Average [1]	Daily Maximum [1]
June 1 – June 30			
James River <100 cfs	80		141
James River 100 cfs – 1000 cfs	192		354
James River > 1000 cfs	306		572
July 1 – July 31			
James River <100 cfs	80		141
James River 100 cfs – 1000 cfs	192		354
James River > 1000 cfs	306		572
August 1 – August 31			
James River <100 cfs	80		141
James River 100 cfs – 1000 cfs	192		354
James River > 1000 cfs	306		572
September 1 – September 30			
James River <100 cfs	107		201
James River 100 cfs – 1000 cfs	205		522
James River > 1000 cfs	323		849
October 1 – October 31			
James River <100 cfs	107		201
James River 100 cfs – 1000 cfs	205		522
James River > 1000 cfs	323		849
November 1 – November 30			
James River <100 cfs	115		201
James River 100 cfs – 1000 cfs	289		522
James River > 1000 cfs	466		849
December 1 – December 31			
James River <100 cfs	477		1,041
James River 100 cfs – 1000 cfs	917		2,091
James River > 1000 cfs	1,849		3,239
The pH of the discharge shall not be less than 6.5 standard units nor greater than 9.0 standard units in any sample.			
There shall be no Acute Whole Effluent Toxicity in the discharge, as measured by the WET test.			

Effluent Characteristic	Effluent Limit		
	30-Day Average [1]	7-Day Average [1]	Daily Maximum [1]
The Oil and Grease concentration shall not impart a visible film or sheen to the surface of the water or the adjoining shorelines.			
No chemicals, such as chlorine, shall be used without prior written permission.			

[1] See Definitions.

[2] *E. coli* organisms from May 1 to September 30 shall not exceed a concentration of 630 per 100 milliliters as a geometric mean based on a minimum of 5 samples obtained during separate 24-hour periods for any calendar month. They shall not exceed 1,178 per 100 milliliters in any one sample from May 1 to September 30.

[3] 30-day Average Ammonia-Nitrogen limits will be based upon the 30-day average instream flow of the James River. The daily maximum limit will be based upon the daily flow of the James River.

3.6 Effluent Limits – *Outfall 002R*

Effective immediately and lasting throughout the life of this permit, the permittee shall have **no discharge** from its land application pump system and **no discharge** of land applied waters to waters of the state, except in accordance with the bypass or emergency release provisions of the permit. **The act of land applying treated wastewater is not considered a discharge.**

1. The application rate at the land application site shall be controlled so as to prevent any surface runoff of the effluent.
2. To prevent ground saturation and runoff, no application is permitted during periods of heavy or prolonged rainfall, snow cover or when the ground is frozen.
3. The land application equipment shall, to the extent feasible, be installed in such a manner as to minimize wind drift of the effluent and formation of aerosols.
4. Appropriate warning signs shall be posted on the land application site to inform the public of the nature of the water.
5. By **April 1, 2013**, the permittee will update and submit a land application best management plan for approval by SDDENR. The land application best management plan shall be based on *South Dakota Recommended Design Criteria Manual for Wastewater Collection and Treatment Facilities.* Once approved, the land application best management plan becomes an enforceable part of the permit.

3.7 Effluent Limits – *Outfalls 003N and 004N*

Effective immediately and lasting through the life of this permit, there shall be no discharge from Outfalls 003N and 004N except in accordance with the emergency release, bypass, or sanitary sewer overflow provisions of this permit. If an emergency release, bypass, sanitary sewer overflow, or other discharge occurs or is expected to occur, the permittee shall report the occurrence in accordance with

Section 4.16 – Emergency Release Reporting Requirements and take the appropriate measures to minimize the discharge of pollutants. Such measures may include the closing of facilities that contribute wastewater to the sewer system until the discharge is terminated.

3.8 Inspection Requirements

The permittee shall inspect its wastewater treatment facility, outfall structures, land application sites, and lift stations regularly as outlined below. The inspections shall be conducted to determine if a discharge is occurring, has occurred since the previous inspection, and/or if a discharge is likely to occur before the next inspection. In addition, the inspections shall be performed to determine if proper operation and maintenance procedures are being undertaken at the wastewater treatment facility and lift stations. The permittee shall maintain a notebook recording information obtained during the inspection.

1. **Facility Inspections.** The permittee shall inspect the mechanical facility at least **five (5) times per week**. Outfalls 001 and 002 shall be inspected on a **monthly** basis. Outfalls 003 and 004 shall be inspected on a **weekly** basis. During a discharge, the permittee shall inspect the discharge location on at least a **daily** basis. At a minimum, the notebook shall include the following:

    a. Date and time of the inspection;

    b. Name of the inspector(s);

    c. The facility's discharge status;

    d. The measured amount of freeboard or water depth in each pond;

    e. Identification of operational problems and/or maintenance problems;

    f. Recommendations, as appropriate, to remedy identified problems;

    g. A brief description of any actions taken with regard to problems identified; and,

    h. Other information, as appropriate.

2. **Land Application Inspections.** Land application equipment and land application sites shall be inspected at least **daily** while land application is occurring. The inspection shall be conducted to determine that the land application system is operating correctly and to ensure that no runoff is occurring as a result of land application of treated wastewater. At a minimum, the notebook shall include the following:

    a. Date and time of the inspection;

    b. Name of the inspector(s);

    c. The facility's land application status, including any runoff from the application site or discharge from the piping equipment;

    d. Identification of operational problems and/or maintenance problems;

    e. Recommendations, as appropriate, to remedy identified problems;

f. A brief description of any actions taken with regard to problems identified; and,

g. Other information, as appropriate.

3. **Lift Station Inspections.** The permittee shall inspect each lift station at least **two times per week**. The inspections shall be performed to determine if proper operation and maintenance procedures are being undertaken and verify no sanitary sewer overflows are occurring or have occurred. During any sanitary overflow, the lift stations shall be inspected on a **daily** basis. At a minimum, the notebook shall include the following for each lift station:

   a. Date and time of the inspection;

   b. Name of the inspector(s);

   c. Whether a sanitary sewer overflow is occurring or has occurred;

   d. Identification of operational problems and/or maintenance problems;

   e. Cleaning of screenings, if applicable;

   f. Testing of alarms, if applicable;

   g. Hour meter readings;

   h. Recommendations, as appropriate, to remedy identified problems;

   i. A brief description of any actions taken with regard to problems identified; and,

   j. Other information, as appropriate.

4. The permittee shall maintain the notebook(s) for the facility, land application areas, and each lift station in accordance with proper record-keeping procedures and shall make the notebook(s) available for inspection, upon request, by the Secretary or the US EPA.

3.9 Best Management Practices Plan – Land Application

By **April 1, 2013**, the permittee shall submit to SDDENR for review and approval a Best Management Practices plan for land application. The goal of the plan shall be to ensure protection of surface and ground water supplies and to protect human health. The plan shall be prepared in accordance with the *South Dakota Recommended Design Criteria manual for Wastewater Collection and Treatment Facilities*.

The department shall be kept informed of the irrigation sites and the proposed time frame of use, and shall be notified at least 30 days in advance of any changes. The plan must be updated to include all site changes and submitted to SDDENR for review and approval.

3.10 Capacity, Management, Operation, and Maintenance

In the event that the Secretary notifies the permittee of the need to develop a capacity, management, operation, and maintenance program in order to address, reduce, or eliminate the frequency of sanitary sewer overflows or emergency discharges, the

permittee shall develop and submit the program to the Secretary. The program shall, at a minimum, address the following areas:

1. Sewer management program: This program includes personnel organizational structure, training, communication information systems, noncompliance notification program, and other appropriate items;

2. Collection system operation program: This program includes operational budgeting, monitoring, safety, emergency preparedness and response, pump stations, operational recordkeeping, and other appropriate items;

3. Collection system maintenance program: This program includes maintenance budgeting, planned and unplanned maintenance; sewer cleaning; maintenance recordkeeping, parts and equipment inventory, and other appropriate items; and

4. Sewer system capacity evaluation: The capacity evaluation includes the following:

    a. System inventory (sewer locations, sizes, slopes, materials, age, condition, etc.);

    b. Identification of problem areas (overflows, surcharged lines, basement backups, etc.);

    c. Capacity evaluation of problem areas (utilizing flow and precipitation records, infiltration and inflow investigation, manhole and pipe inspections and televising, smoke and dye testing, and building inspections); and

    d. Sewer rehabilitation recommendations.

5. Timelines: This program shall identify timelines and specific dates for completing any identified changes or improvements.

6. SDDENR Approval: The permittee shall submit the program to SDDENR for approval. Upon approval, the permittee shall implement the program.

4.0 MONITORING, RECORD KEEPING, & REPORTING REQUIREMENTS

4.1 Whole Effluent Toxicity Testing – Acute Toxicity

Effective immediately, the permittee shall, at least once each calendar quarter in which a discharge is occurring, conduct acute static renewal toxicity tests on a sample of the discharge. If a single, continuous discharge occurs in two (2) calendar quarters and has a duration less than or equal to 90 days, only one WET test is required for that discharge. Quarterly samples shall be collected on a two day progression; i.e., if the first quarterly sample is on a Monday, during the next quarter, sampling shall be on a Wednesday, etc.

The static renewal toxicity test shall be conducted in accordance with the procedure set out in the latest revision of "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms," Fifth Edition, October 2002 (EPA-821-R-02-012). The permittee shall conduct an acute 48-hour static renewal toxicity test using *Ceriodaphnia dubia* and an acute 96-hour static renewal toxicity test using *Pimephales promelas* (fathead minnows).

Acute toxicity occurs when 50 percent or more mortality is observed for either species at any effluent concentration. If more than 10 percent control mortality occurs, the test shall be repeated until satisfactory control survival is achieved.

If acute toxicity occurs, an additional test shall be conducted within 14 days of the date of when the permittee learned of the failed test. If only one species fails, retesting may be limited to this species. Should acute toxicity occur in the second test, testing shall occur once a month until further notified by the department.

The results of the re-test must be reported within 24-hours or by the next business day to SDDENR at (605) 773-3351. If the re-test fails, SDDENR may require the permittee to undertake a Toxicity Identification Evaluation (TIE) / Toxicity Reduction Evaluation (TRE) to establish the cause of the toxicity, locate the source(s) of the toxicity, and develop control of, or treatment for the toxicity.

WET test data results shall be summarized on the latest revision of the "Region 8 Acute/Chronic Toxicity Test Report Format" form and shall be submitted along with the completed Discharge Monitoring Report (DMR) for the end of the calendar period during which the whole effluent toxicity test was run. The complete lab data packet does not need to be submitted with the DMR unless requested by SDDENR.

If the results for ten consecutive quarters/tests of testing indicate no acute toxicity, the permittee may request the permit issuing authority to allow a reduction to quarterly acute toxicity testing on only one species on an alternating basis. The permit issuing authority may approve or deny the request based on the results and other available information without an additional public notice. If the request is approved, the test procedures are to be the same as specified above for the test species.

4.2 Toxicity Identification Evaluation (TIE)/Toxicity Reduction Evaluation (TRE)

If acute and/or chronic toxicity occurs, an additional test shall be conducted within 14 days of the date of when the permittee learned of the test. If only one species fails, retesting may be limited to this species. Should acute toxicity and/or chronic toxicity occur in the second test, a TIE-TRE shall be undertaken by the permittee to establish the cause of the toxicity, locate the source(s) of the toxicity, and develop control of, or treatment for the toxicity. Failure to initiate, or conduct an adequate TIE-TRE, or delays in the conduct of such tests, shall not be considered a justification for noncompliance with the whole effluent toxicity limits. A TRE plan needs to be submitted to the permitting authority within 45 days after confirmation of the continuance of effluent toxicity.

4.3 Chronic Toxicity Limit-Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include chronic whole effluent toxicity limits if any other information or data are developed indicating that chronic whole effluent toxicity limits are needed. Also see **Section 2.3** of this permit for additional whole effluent toxicity reopener provisions.

If acceptable to the permit issuing authority, and if in compliance with current regulations, this permit may be reopened and modified to incorporate TRE conclusion relating to additional numerical limits, a modified compliance schedule, and or modified whole effluent protocol.

4.4 Interim Self-Monitoring Requirements – *Outfall 001A*

Effective immediately and lasting through **April 30, 2014**, all authorized discharges, shall be monitored for the following parameters at the frequency and with the type of measurement indicated. The permittee shall report the monitoring results in accordance with **Section 4.14 – Reporting of Monitoring Results.**

Effluent Characteristic	Frequency	Reporting Values [1]	Sample Type [1]
Flow Rate, MGD	At least three per discharge[2]	Daily Maximum; 30-Day Average	Instantaneous
James River instream flow rate, cfs	At least three per discharge[2, 3]	Daily Maximum; 30-Day Average	Instantaneous
pH, standard units	At least three per discharge[2]	Daily Minimum; Daily Maximum	Instantaneous[4, 5]
Water Temperature, °C	At least three per discharge[2]	Daily Maximum; 30-Day Average	Instantaneous[5, 6]
Five Day Biochemical Oxygen Demand (BOD_5), mg/L	At least three per discharge[2]	Max. 7-Day Average; 30-Day Average	Grab
Total Suspended Solids (TSS), mg/L	At least three per discharge[2]	Max. 7-Day Average; 30-Day Average	Grab

Effluent Characteristic	Frequency	Reporting Values [1]	Sample Type [1]
Fecal Coliform, no./100 mL	At least three per discharge[2, 7]	Daily Maximum; 30-Day Geometric Mean	Grab
Escherichia coli (E. coli), no./100 mL	At least three per discharge[2, 7]	Daily Maximum; 30-Day Geometric Mean	Grab
Ammonia-Nitrogen (as N), mg/L	At least three per discharge[2]	Daily Maximum; 30-Day Average	Grab[3, 5]
Ammonia-Nitrogen (as N), lb/day	At least three per discharge[2]	Daily Maximum; 30-Day Average	Calculate[8]
Oil and Grease, visual [9]	At least three per discharge[2]	Presence or absence of sheen	Visual
Oil and Grease (hexane ext), mg/L	Contingent[9]	Daily Maximum	Grab
Total Flow, million gallons	Monthly	Monthly Total[10]	Calculate
Duration of Discharge, days	Monthly	Monthly Total	Calculate
Acute Whole Effluent Toxicity, TUa	Quarterly [11]	Pass/Fail; Actual Value	Grab

[1] See Definitions.

[2] A minimum of three samples shall be taken during any discharge. A sample shall be taken at the beginning, middle, and end of the discharge if the discharge is less than one week in duration. If a single, continuous discharge is greater than one week in duration, three samples shall be taken the first week and one each following week. All of the samples collected during the 7-day or 30-day period are to be used in determining the averages. The permittee always has the option of collecting additional samples if appropriate.

[3] James River flow must be recorded when ammonia samples are collected. The flow rate shall be calculated using the flow from USGS 06478000 and subtracting the permittee's discharge flow rate (in cfs).

[4] The pH shall be taken within 15 minutes of sample collection with a pH meter. The pH meter must be capable of simultaneous calibration to two points on the pH scale that bracket the expected pH and are approximately three standard units apart. The pH meter must read to 0.01 standard units and be equipped with temperature compensation adjustment. Readings shall be reported to the nearest 0.1 standard units.

[5] The pH and temperature of the effluent shall be determined when ammonia samples are collected.

[6] The water temperature of the effluent shall be taken as a field measurement at the time of sampling. Measurement shall be made with a mercury-filled, or dial type thermometer, or a thermistor. Readings shall be reported to the nearest whole degree Celsius.

[7] For fecal coliform and *E. coli*, if a minimum of five samples are collected in a calendar month, all of the samples collected are to be used in determining the geometric mean. Samples are to be collected at the same time as BOD_5, TSS, etc. Additional samples are to be collected during any other separate 24-hour periods. If less than five samples are taken during any calendar month, the maximum limit still applies. ***This sampling protocol only applies if the discharge occurs between May 1 and September 30.***

[8] Daily ammonia-nitrogen loadings (lb/day) shall be calculated by the following equation:

$$Ammonia\left(\frac{lb}{day}\right) = Ammonia\left(\frac{mg}{L}\right) \times Effluent\ Flow\ (MGD) \times 8.34$$

The 30-Day average ammonia loading (lb/day) shall be calculated by averaging the computed daily ammonia loadings (lb/day).

[9] A grab sample shall be taken if a visual sheen is observed and a concentration shall be determined using EPA method 1664A oil and grease hexane extraction.

[10] The date and time of the start and termination of each discharge shall also be reported in the comment section of the DMR.

[11] Acute WET testing shall be conducted during each calendar quarter in which a discharge is occurring. If a single, continuous discharge occurs in two calendar quarters and has a duration less than or equal to 90 days, only one WET test is required for that discharge. Refer to **Section 4.1 – Whole Effluent Toxicity – Acute Toxicity** for additional WET testing requirements.

4.5 Final Self-Monitoring Requirements – *Outfall 001A*

Effective **May 1, 2014,** and lasting through the life of the permit, all authorized discharges shall be monitored for the following parameters at the frequency and with the type of measurement indicated. The permittee shall report the monitoring results in accordance with **Section 4.14 – Reporting of Monitoring Results.**

Effluent Characteristic	Frequency	Reporting Values [1]	Sample Type [1]
Flow Rate, MGD	At least three per discharge[2]	Daily Maximum; 30-Day Average	Instantaneous
James River instream flow rate, cfs	At least three per discharge[2, 3]	Daily Maximum; 30-Day Average	Instantaneous
pH, standard units	At least three per discharge[2]	Daily Minimum; Daily Maximum	Instantaneous[4, 5]
Water Temperature, °C	At least three per discharge[2]	Daily Maximum; 30-Day Average	Instantaneous[5, 6]
Five Day Biochemical Oxygen Demand (BOD_5), mg/L	At least three per discharge[2]	Max. 7-Day Average; 30-Day Average	Grab

Effluent Characteristic	Frequency	Reporting Values [1]	Sample Type [1]
Total Suspended Solids (TSS), mg/L	At least three per discharge[2]	Max. 7-Day Average; 30-Day Average	Grab
Escherichia coli (E. coli), no./100mL	At least three per discharge[2, 7]	Daily Maximum; 30-Day Geometric Mean	Grab
Ammonia-Nitrogen (as N), mg/L	At least three per discharge[2]	Daily Maximum; 30-Day Average	Grab[3, 5]
Ammonia-Nitrogen (as N), lb/day	At least three per discharge[2]	Daily Maximum; 30-Day Average	Calculate[8]
Oil and Grease, visual [9]	At least three per discharge[2]	Presence or absence of sheen	Visual
Oil and Grease (hexane ext), mg/L	Contingent[9]	Daily Maximum	Grab
Total Flow, million gallons	Monthly	Monthly Total[10]	Calculate
Duration of Discharge, days	Monthly	Monthly Total	Calculate
Acute Whole Effluent Toxicity, TUa	Quarterly[11]	Pass/Fail; Actual Value	Grab

[1] See Definitions.

[2] A minimum of three samples shall be taken during any discharge. A sample shall be taken at the beginning, middle, and end of the discharge if the discharge is less than one week in duration. If a single, continuous discharge is greater than one week in duration, three samples shall be taken the first week and one each following week. All of the samples collected during the 7-day or 30-day period are to be used in determining the averages. The permittee always has the option of collecting additional samples if appropriate.

[3] James River flow must be recorded when ammonia samples are collected. The flow rate shall be calculated using the flow from USGS 06478000 and subtracting the permittee's discharge flow rate (in cfs).

[4] The pH shall be taken within 15 minutes of sample collection with a pH meter. The pH meter must be capable of simultaneous calibration to two points on the pH scale that bracket the expected pH and are approximately three standard units apart. The pH meter must read to 0.01 standard units and be equipped with temperature compensation adjustment. Readings shall be reported to the nearest 0.1 standard units.

[5] The pH and temperature of the effluent shall be determined when ammonia samples are collected.

[6] The water temperature of the effluent shall be taken as a field measurement at the time of sampling. Measurement shall be made with a mercury-filled, or dial type thermometer, or a thermistor. Readings shall be reported to the nearest whole degree Celsius.

[7] For *E. coli*, if a minimum of five samples are collected in a calendar month, all of the samples collected are to be used in determining the geometric mean. Samples are to be collected at the same time as BOD_5, TSS, etc. Additional samples are to be collected during any other separate 24-hour periods. If less than five samples are taken during any calendar month, the maximum limit still applies. ***This sampling protocol only applies if the discharge occurs between May 1 and September 30.***

[8] Daily ammonia-nitrogen loadings (lb/day) shall be calculated by the following equation:

$$Ammonia\left(\frac{lb}{day}\right) = Ammonia\left(\frac{mg}{L}\right) \times Effluent\ Flow\ (MGD) \times 8.34$$

The 30-Day average ammonia loading (lb/day) shall be calculated by averaging the computed daily ammonia loadings (lb/day).

[9] A grab sample shall be taken if a visual sheen is observed and a concentration shall be determined using EPA method 1664A oil and grease hexane extraction.

[10] The date and time of the start and termination of each discharge shall also be reported in the comment section of the DMR.

[11] Acute WET testing shall be conducted during each calendar quarter in which a discharge is occurring. If a single, continuous discharge occurs in two calendar quarters and has a duration less than or equal to 90 days, only one WET test is required for that discharge. Refer to **Section 4.1 – Whole Effluent Toxicity – Acute Toxicity** for additional WET testing requirements.

4.6 Land Application Self-Monitoring Requirements – *Outfall 002R*

All land application of wastewater shall be monitored for the following parameters at the frequency and with the type of measurement indicated. The permittee shall report the land application monitoring results in accordance with **Section 4.14– Reporting of Monitoring Results.**

Effluent Characteristic	Frequency	Reporting Values[1]	Sample Type[1]
Rate of Land Application, MGD	Weekly	Daily Maximum; 30-Day Average	Instantaneous
Days Land Applied, days	Monthly	Monthly Total	Calculate
Total Amount Land Applied, million gallons	Monthly	Monthly Total[2]	Calculate
pH, standard units	Monthly[3]	Daily Minimum; Daily Maximum	Instantaneous[4,5]
Water Temperature, °C	Monthly[3]	Daily Maximum; 30-Day Average	Instantaneous[4,6]

Effluent Characteristic	Frequency	Reporting Values[1]	Sample Type[1]
Fecal Coliform, no./l00 mL[7]	Monthly[3]	Daily Maximum; 30-Day Geometric Mean	Grab
Sodium Absorption Ratio (SAR)[8]	Monthly[3]	Daily Maximum; 30-Day Average	Grab
Conductivity, µmhos/cm	Monthly[3]	Daily Maximum; 30-Day Average	Grab
Total Kjeldahl Nitrogen, mg/L	Monthly[3]	Daily Maximum; 30-Day Average	Grab
Ammonia-Nitrogen (as N), mg/L	Monthly[3]	Daily Maximum; 30-Day Average	Grab
Total Nitrates (as N), mg/L	Monthly[3]	Daily Maximum; 30-Day Average	Grab
Total Nitrites (as N), mg/L	Monthly[3]	Daily Maximum; 30-Day Average	Grab
Total Sulfates, mg/L	Monthly[3]	Daily Maximum; 30-Day Average	Grab
Total Chlorides, mg/L	Monthly[3]	Daily Maximum; 30-Day Average	Grab
Total Phosphorous (as P), mg/L	Monthly[3]	Daily Maximum; 30-Day Average	Grab
Total Dissolved Solids (TDS), mg/L	Monthly[3]	Daily Maximum; 30-Day Average	Grab

[1] See Definitions.

[2] The date and time of the start and termination of each land application event shall also be reported in the comments section of the DMR.

[3] A minimum of one sample per month shall be taken for the duration of land application activities. Samples shall be taken from the irrigation wetwell and shall be representative of the land applied water. The permittee always has the option of collecting additional samples if appropriate.

[4] The pH and temperature of the effluent shall be determined when ammonia samples are collected.

[5] The pH shall be taken within 15 minutes of sample collection with a pH meter. The pH meter must be capable of simultaneous calibration to two points on the pH scale that bracket the expected pH and are approximately three standard units apart. The pH meter must read to 0.01 standard units and be equipped with temperature compensation adjustment. Readings shall be reported to the nearest 0.1 standard units.

[6] The water temperature of the effluent shall be taken as a field measurement. Measurement shall be made with a mercury-filled, or dial type thermometer, or a thermistor. Readings shall be reported to the nearest whole degree Celsius.

[7] For fecal coliform, if a minimum of five samples are collected in a calendar month, all of the samples collected are to be used in determining the geometric mean. Samples are to be collected at the same time as BOD_5, TSS, etc. Additional samples are to be collected during any other separate 24-hour periods. If less than five samples are taken during any calendar month, the maximum limit still applies.

[8] The sodium absorption ratio is calculated using the Gapon equation: $SAR = \frac{Na}{\sqrt{\frac{(Ca + Mg)}{2}}}$

4.7 Unauthorized Release Monitoring Requirements

Promptly upon discovery of a discharge from Outfalls 003N and/or 004N or runoff from the land application site (Outfall 002N), emergency discharge, or sanitary sewer overflow, the discharge shall be monitored for the following parameters at the frequency and with the type of measurement indicated. Knowingly discharging or failing to report a discharge within a reasonable time from the permittee first learning of a discharge could subject the permittee to penalties as provided under the South Dakota Water Pollution Control Act.

The permittee shall report the monitoring results in accordance with **Section 4.16 – Emergency Release Reporting Requirements.**

Effluent Characteristic	Frequency	Reporting Value	Sample Type[1]
Total Flow, million gallons	Each Discharge[2]	Event Total	Calculated
Duration of Discharge, days	Each Discharge[2]	Event Total	Calculated
Flow Rate, gallons per day	Daily[3]	Actual Value	Instantaneous
pH, standard units	Daily[3]	Actual Value	Instantaneous[4,5]
Water Temperature, ºC	Daily[3]	Actual Value	Instantaneous[4,6]
Total Suspended Solids (TSS), mg/L	Daily[3]	Actual Value	Grab
Five-Day Biochemical Oxygen Demand (BOD_5), mg/L	Daily[3]	Actual Value	Grab
Ammonia as N, mg/L	Daily[3]	Actual Value	Grab[4]
Escherichia coli (*E. coli)*, no./l00 mL	Daily[3]	Actual Value	Grab

Effluent Characteristic	Frequency	Reporting Value	Sample Type[1]
Oil and Grease, visual	Daily[3]	Presence or Absence of Sheen	Visual
Oil and Grease, mg/L	Contingent[7]	Actual Value	Grab

[1] See Definitions.

[2] The permittee shall report the date and time of the start and termination of each discharge, along with the total number of gallons discharged during the entire discharge event.

[3] The permittee shall take a minimum of one sample per day during any emergency release, bypass, sanitary sewer overflow, or other discharge unless SDDENR authorizes an alternative sampling schedule.

[4] The pH and temperature of the effluent shall be determined when ammonia samples are collected.

[5] The pH shall be taken within 15 minutes of sample collection with a pH meter. The pH meter must be capable of simultaneous calibration to two points on the pH scale that bracket the expected pH and are approximately three standard units apart. The pH meter must read to 0.01 standard units and be equipped with temperature compensation adjustment. Readings shall be reported to the nearest 0.1 standard units.

[6] The water temperature of the effluent shall be taken as a field measurement. Measurement shall be made with a mercury-filled, or dial type thermometer, or a thermistor. Readings shall be reported to the nearest whole degree Celsius.

[7] The presence or absence of an oil sheen shall be visually monitored. In the event that an oil sheen or floating oil is observed during discharge, grab samples shall be taken immediately and a concentration shall be determined using EPA method 1664A oil and grease hexane extraction.

4.8 Self-Monitoring Requirements - Metals

The permittee shall analyze the treatment facility **influent and effluent** for the presence of the toxic pollutants listed below at least as often as required below.

The results of these analyses shall be attached to, and reported along with the Discharge Monitoring Report (DMR) submitted for the end of that reporting period.

Effluent Characteristic	Frequency	Sample Type[1, 2]
Antimony, total, mg/L	Semiannually	3 Grabs
Arsenic, total, mg/L	Semiannually	3 Grabs
Beryllium, total, mg/L	Semiannually	3 Grabs
Cadmium, total, mg/L	Semiannually	3 Grabs
Chromium, total, mg/L	Semiannually	3 Grabs
Copper, total, mg/L	Semiannually	3 Grabs
Cyanide, weak acid dissociable, mg/L	Semiannually	3 Grabs
Lead, total, mg/L	Semiannually	3 Grabs
Mercury, total, mg/L	Semiannually	3 Grabs
Molybdenum, total, mg/L	Semiannually	3 Grabs
Nickel, total, mg/L	Semiannually	3 Grabs
Selenium, total, mg/L	Semiannually	3 Grabs
Silver, total, mg/L	Semiannually	3 Grabs
Thallium, total, mg/L	Semiannually	3 Grabs
Zinc, total, mg/L	Semiannually	3 Grabs
Cyanide, total, mg/L	Semiannually	3 Grabs
Phenols, total, mg/L	Semiannually	3 Grabs

[1] See Definitions.

[2] At least three grab samples, taken at equal intervals over a representative 24-hour period, shall be taken.

4.9 Self-Monitoring Requirements – Priority Pollutants

The permittee shall analyze the treatment facility **influent and effluent** for the presence of the toxic pollutants listed below at least as often as required below.

The results of these analyses shall be attached to, and reported along with the Discharge Monitoring Report (DMR) submitted for the end of that reporting period.

Effluent Characteristic	Frequency	Sample Type[1, 2]
acrolein, µg/L	Annual	3 Grabs
acrylonitrile, µg/L	Annual	3 Grabs
benzene, µg/L	Annual	3 Grabs
bis (chloromethyl) ether, µg/L	Annual	3 Grabs
bromoform, µg/L	Annual	3 Grabs
carbon tetrachloride, µg/L	Annual	3 Grabs
chlorobenzene, µg/L	Annual	3 Grabs
chlorodibromomethane, µg/L	Annual	3 Grabs
chlorethane, µg/L	Annual	3 Grabs
2-chloroethylvinyl ether, µg/L	Annual	3 Grabs
chloroform, µg/L	Annual	3 Grabs
dichlorobromomethane, µg/L	Annual	3 Grabs
dichlorodifluoromethane, µg/L	Annual	3 Grabs
1,1-dichloroethane, µg/L	Annual	3 Grabs
1,2-dichloroethane, µg/L	Annual	3 Grabs
1,1-dichloroethylene, µg/L	Annual	3 Grabs
1,2-dichloropropane, µg/L	Annual	3 Grabs
1,3-dichloropropylene, µg/L	Annual	3 Grabs
ethylbenzene, µg/L	Annual	3 Grabs
methyl bromide, µg/L	Annual	3 Grabs
methyl chloride, µg/L	Annual	3 Grabs
methylene chloride, µg/L	Annual	3 Grabs
1,1,2,2-tetrachloroethane, µg/L	Annual	3 Grabs
tetrachloroethylene, µg/L	Annual	3 Grabs
toluene, µg/L	Annual	3 Grabs
1,2-trans-dichloroethylene, µg/L	Annual	3 Grabs
1,1,1-trichloroethane, µg/L	Annual	3 Grabs
1,1,2-trichloroethane, µg/L	Annual	3 Grabs
trichloroethylene, µg/L	Annual	3 Grabs
trichlorofluoromethane, µg/L	Annual	3 Grabs
vinyl chloride, µg/L	Annual	3 Grabs

Effluent Characteristic	Frequency	Sample Type[1, 2]
2-chlorophenol, µg/L	Annual	3 Grabs
2,4-dichlorophenol, µg/L	Annual	3 Grabs
2,4-dimethylphenol, µg/L	Annual	3 Grabs
4,6-dinitro-o-cresol, µg/L	Annual	3 Grabs
2,4-dinitrophenol, µg/L	Annual	3 Grabs
2-nitrophenol, µg/L	Annual	3 Grabs
4-nitrophenol, µg/L	Annual	3 Grabs
p-chloro-m-cresol, µg/L	Annual	3 Grabs
pentachlorophenol, µg/L	Annual	3 Grabs
phenol, µg/L	Annual	3 Grabs
2,4,6-trichlorophenol, µg/L	Annual	3 Grabs
acenaphthene, µg/L	Annual	3 Grabs
acenaphthylene, µg/L	Annual	3 Grabs
anthracene, µg/L	Annual	3 Grabs
benzidine, µg/L	Annual	3 Grabs
benzo(a)anthracene, µg/L	Annual	3 Grabs
benzo(a)pyrene, µg/L	Annual	3 Grabs
3,4-benzofluoranthene, µg/L	Annual	3 Grabs
benzo(ghi)perylene, µg/L	Annual	3 Grabs
benzo(k)fluoranthene, µg/L	Annual	3 Grabs
bis(2-chloroethyoxy)methane, µg/L	Annual	3 Grabs
bis(2-chloroethyl)ether, µg/L	Annual	3 Grabs
bis(2-chloroisopropyl)ether, µg/L	Annual	3 Grabs
bis(2-ethylhexyl)phthalate, µg/L	Annual	3 Grabs
4-bromophenyl phenyl ether, µg/L	Annual	3 Grabs
butylbenzyl phthalate, µg/L	Annual	3 Grabs
2-chloronapthalene, µg/L	Annual	3 Grabs
4-chlorophenyl phenyl ether, µg/L	Annual	3 Grabs
chrysene, µg/L	Annual	3 Grabs
dibenzo(a,h)anthracene, µg/L	Annual	3 Grabs
1,2-dichlorobenzene, µg/L	Annual	3 Grabs

Effluent Characteristic	Frequency	Sample Type[1, 2]
1,3-dichlorobenzene, µg/L	Annual	3 Grabs
1,4-dichlorobenzene, µg/L	Annual	3 Grabs
3,3'-dichlorobenzidine, µg/L	Annual	3 Grabs
diethyl phthalate, µg/L	Annual	3 Grabs
dimethyl phthalate, µg/L	Annual	3 Grabs
di-n-butyl phthalate, µg/L	Annual	3 Grabs
2,4-dinitrotoluene, µg/L	Annual	3 Grabs
2,6-dinitrotoluene, µg/L	Annual	3 Grabs
di-n-octyl phthalate, µg/L	Annual	3 Grabs
1,2-diphenylhydrazine (as azobenzene), µg/L	Annual	3 Grabs
fluoranthene, µg/L	Annual	3 Grabs
fluorene, µg/L	Annual	3 Grabs
hexachlorobenzene, µg/L	Annual	3 Grabs
hexachlorobutadiene, µg/L	Annual	3 Grabs
hexachlorocyclopentadiene, µg/L	Annual	3 Grabs
hexachloroethane, µg/L	Annual	3 Grabs
indeno(1,2,3-cd)pyrene, µg/L	Annual	3 Grabs
isophorone, µg/L	Annual	3 Grabs
naphthalene, µg/L	Annual	3 Grabs
nitrobenzene, µg/L	Annual	3 Grabs
N-nitrosodimethylamine, µg/L	Annual	3 Grabs
N-nitrosodi-n-propylamine, µg/L	Annual	3 Grabs
N-nitrosodiphenylamine, µg/L	Annual	3 Grabs
phenanthrene, µg/L	Annual	3 Grabs
pyrene, µg/L	Annual	3 Grabs
1,2,4-trichlorobenzene, µg/L	Annual	3 Grabs
aldrin, µg/L	Annual	3 Grabs
alpha-BHC, µg/L	Annual	3 Grabs
beta-BHC, µg/L	Annual	3 Grabs
gamma-BHC, µg/L	Annual	3 Grabs
delta-BHC, µg/L	Annual	3 Grabs

Effluent Characteristic	Frequency	Sample Type[1, 2]
chlordane, µg/L	Annual	3 Grabs
4,4'-DDT, µg/L	Annual	3 Grabs
4,4'-DDE, µg/L	Annual	3 Grabs
4,4'-DDD, µg/L	Annual	3 Grabs
dieldrin, µg/L	Annual	3 Grabs
alpha-endosulfan, µg/L	Annual	3 Grabs
beta-endosulfan, µg/L	Annual	3 Grabs
endosulfan sulfate, µg/L	Annual	3 Grabs
endrin, µg/L	Annual	3 Grabs
endrin aldehyde, µg/L	Annual	3 Grabs
heptachlor, µg/L	Annual	3 Grabs
heptachlor epoxide, µg/L	Annual	3 Grabs
PCB-1242, µg/L	Annual	3 Grabs
PCB-1254, µg/L	Annual	3 Grabs
PCB-1221, µg/L	Annual	3 Grabs
PCB-1232, µg/L	Annual	3 Grabs
PCB-1248, µg/L	Annual	3 Grabs
PCB-1260, µg/L	Annual	3 Grabs
PCB-1016, µg/L	Annual	3 Grabs
toxaphene, µg/L	Annual	3 Grabs

[1] See Definitions.

[2] At least three grab samples, taken at equal intervals over a representative 24-hour period, shall be taken.

4.10 Self-Monitoring Requirements – Other Toxics

If, based upon information available to the permittee, there is reason to suspect the presence of any toxic or hazardous pollutant below, or any other pollutant, known or suspected adversely affect treatment plant operation, receiving water quality, or solids disposal procedures, analysis for those pollutants shall be performed at least semiannually on both the **influent and the effluent**.

The results of these analyses shall be attached to, and reported along with the Discharge Monitoring Report (DMR) submitted for the end of that reporting period.

Effluent Characteristic	Frequency	Sample Type[1, 2]
Asbestos, µg/L	Semiannually, if suspected	3 Grabs
Acetaldhyde, µg/L	Semiannually, if suspected	3 Grabs
Allyl alcohol, µg/L	Semiannually, if suspected	3 Grabs
Allyl chloride, µg/L	Semiannually, if suspected	3 Grabs
Amyl acetate, µg/L	Semiannually, if suspected	3 Grabs
Aniline, µg/L	Semiannually, if suspected	3 Grabs
Benzonitrile, µg/L	Semiannually, if suspected	3 Grabs
Benzyl chloride, µg/L	Semiannually, if suspected	3 Grabs
Butyl acetate, µg/L	Semiannually, if suspected	3 Grabs
Butylamine, µg/L	Semiannually, if suspected	3 Grabs
Captan, µg/L	Semiannually, if suspected	3 Grabs
Carbaryl, µg/L	Semiannually, if suspected	3 Grabs
Carbofuran, µg/L	Semiannually, if suspected	3 Grabs
Carbon disulfide, µg/L	Semiannually, if suspected	3 Grabs
Chlorpyrifos, µg/L	Semiannually, if suspected	3 Grabs
Coumaphos, µg/L	Semiannually, if suspected	3 Grabs
Cresol, µg/L	Semiannually, if suspected	3 Grabs
Crotonaldehyde, µg/L	Semiannually, if suspected	3 Grabs
Cyclohexane, µg/L	Semiannually, if suspected	3 Grabs
2,4-D(2,4-Dichlorophenoxy acetic acid), µg/L	Semiannually, if suspected	3 Grabs
Diazinon, µg/L	Semiannually, if suspected	3 Grabs
Dicamba, µg/L	Semiannually, if suspected	3 Grabs
Dichlobenil, µg/L	Semiannually, if suspected	3 Grabs
Dichlone, µg/L	Semiannually, if suspected	3 Grabs
2,2-Dichloropropionic acid, µg/L	Semiannually, if suspected	3 Grabs
Dichlorvos, µg/L	Semiannually, if suspected	3 Grabs
Diethyl amine, µg/L	Semiannually, if suspected	3 Grabs
Dimethyl amine, µg/L	Semiannually, if suspected	3 Grabs
Dintrobenzene, µg/L	Semiannually, if suspected	3 Grabs
Diquat, µg/L	Semiannually, if suspected	3 Grabs

Effluent Characteristic	Frequency	Sample Type[1, 2]
Disulfoton, µg/L	Semiannually, if suspected	3 Grabs
Diuron, µg/L	Semiannually, if suspected	3 Grabs
Epichlorohydrin, µg/L	Semiannually, if suspected	3 Grabs
Ethanolamine, µg/L	Semiannually, if suspected	3 Grabs
Ethion, µg/L	Semiannually, if suspected	3 Grabs
Ethylene diamine, µg/L	Semiannually, if suspected	3 Grabs
Ethylene dibromide, µg/L	Semiannually, if suspected	3 Grabs
Formaldehyde, µg/L	Semiannually, if suspected	3 Grabs
Furfural, µg/L	Semiannually, if suspected	3 Grabs
Guthion, µg/L	Semiannually, if suspected	3 Grabs
Isoprene, µg/L	Semiannually, if suspected	3 Grabs
Isopropanolamine dodecylbenzenesulfonate, µg/L	Semiannually, if suspected	3 Grabs
Kelthane, µg/L	Semiannually, if suspected	3 Grabs
Kepone, µg/L	Semiannually, if suspected	3 Grabs
Malathion, µg/L	Semiannually, if suspected	3 Grabs
Mercaptodimethur, µg/L	Semiannually, if suspected	3 Grabs
Methoxychlor, µg/L	Semiannually, if suspected	3 Grabs
Methyl mercaptan, µg/L	Semiannually, if suspected	3 Grabs
Methyl methacrylate, µg/L	Semiannually, if suspected	3 Grabs
Methyl parathion, µg/L	Semiannually, if suspected	3 Grabs
Mevinphos, µg/L	Semiannually, if suspected	3 Grabs
Mexacarbate, µg/L	Semiannually, if suspected	3 Grabs
Monoethyl amine, µg/L	Semiannually, if suspected	3 Grabs
Monomethyl amine, µg/L	Semiannually, if suspected	3 Grabs
Naled, µg/L	Semiannually, if suspected	3 Grabs
Napthenic acid, µg/L	Semiannually, if suspected	3 Grabs
Nitrotoluene, µg/L	Semiannually, if suspected	3 Grabs
Parathion, µg/L	Semiannually, if suspected	3 Grabs
Phenolsulfanate, µg/L	Semiannually, if suspected	3 Grabs
Phosgene, µg/L	Semiannually, if suspected	3 Grabs
Propargite, µg/L	Semiannually, if suspected	3 Grabs

Effluent Characteristic	Frequency	Sample Type[1, 2]
Propylene oxide, µg/L	Semiannually, if suspected	3 Grabs
Pyrethrins, µg/L	Semiannually, if suspected	3 Grabs
Quinoline, µg/L	Semiannually, if suspected	3 Grabs
Resorcinol, µg/L	Semiannually, if suspected	3 Grabs
Strontium, µg/L	Semiannually, if suspected	3 Grabs
Strychnine, µg/L	Semiannually, if suspected	3 Grabs
Styrene, µg/L	Semiannually, if suspected	3 Grabs
2,4,5-T(2,4,5-Trichlorophenoxy acetic acid), µg/L	Semiannually, if suspected	3 Grabs
TDE(Tetrachlorodiphenylethane), µg/L	Semiannually, if suspected	3 Grabs
2,4,5-TP {2-(2,4,5-trichlorophenoxy)propanoic acid}	Semiannually, if suspected	3 Grabs
Trichlorofan, µg/L	Semiannually, if suspected	3 Grabs
Triethanolamine, µg/L dodecylbenzenesulfonate, µg/L	Semiannually, if suspected	3 Grabs
Triethylamine, µg/L	Semiannually, if suspected	3 Grabs
Trimethylamine, µg/L	Semiannually, if suspected	3 Grabs
Uranium, µg/L	Semiannually, if suspected	3 Grabs
Vanadium, µg/L	Semiannually, if suspected	3 Grabs
Vinyl acetate, µg/L	Semiannually, if suspected	3 Grabs
Xylene, µg/L	Semiannually, if suspected	3 Grabs
Xylenol, µg/L	Semiannually, if suspected	3 Grabs
Zirconium, µg/L	Semiannually, if suspected	3 Grabs

[1] See Definitions.

[2] At least three grab samples, taken at equal intervals over a representative 24-hour period, shall be taken.

4.11 Representative Sampling

Samples taken in compliance with the monitoring requirements established under this permit shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.

4.12 Monitoring Procedures

1. Effluent samples taken in compliance with the monitoring requirements established under this permit shall be collected prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.

2. Monitoring shall be conducted according to test procedures approved under ARSD Section 74:52:03:06 (a.b.r. 40 CFR, Part 136), unless other test procedures have been specified in this permit or approved by the Secretary.

4.13 Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit at the designated points, using test procedures approved under ARSD Section 74:52:03:06 (a.b.r. 40 CFR 136) or as specified in this permit, the results of this monitoring shall be used in determining compliance with this permit and reported to SDDENR.

4.14 Reporting of Monitoring Results

1. Effluent monitoring results obtained from Outfalls 001A and 002R (land application) during the previous month shall be summarized, reported on separate Discharge Monitoring Report Forms (EPA No. 3320-1), and submitted to SDDENR on a **monthly** basis. These must be postmarked no later than the 28th day of the month following the completed reporting period. If no discharge occurs during the reporting period, "no discharge" shall be reported. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with **Section 4.19 – Signatory Requirements** and submitted to the Secretary at the following address:

   South Dakota Department of Environment and Natural Resources
   Surface Water Quality Program
   PMB 2020
   Joe Foss Building
   523 East Capitol
   Pierre, SD 57501-3182

2. In accordance with SDCL 1-40-39, the Secretary is authorized to accept a document with an electronic signature. SDDENR shall provide for the authenticity of each electronic signature by adhering to any standards established by the South Dakota Bureau of Information and Telecommunications pursuant to SDCL 53-12-47 and 53-12-50 or any other standards established by rules promulgated pursuant to SDCL Chapter 1-26.

4.15 Reporting of Monitoring Results-No Discharge Outfalls

1. Effluent monitoring results obtained from Outfall 002N (release of land applied wastewater), Outfall 003N, and Outfall 004N during the previous month shall be summarized, reported on a copy of the Emergency Release Reporting Form (found in Appendix A), and submitted to SDDENR no later than the 28th day of the month following the completed reporting period. Legible copies of these, and

all other reports required herein, shall be signed and certified in accordance with **Section 4.19 – Signatory Requirements** and submitted to the Secretary at the following address:

South Dakota Department of Environment and Natural Resources
Surface Water Quality Program
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

2. In accordance with SDCL 1-40-39, the Secretary is authorized to accept a document with an electronic signature. SDDENR shall provide for the authenticity of each electronic signature by adhering to any standards established by the South Dakota Bureau of Information and Telecommunications pursuant to SDCL 53-12-47 and 53-12-50 or any other standards established by rules promulgated pursuant to SDCL Chapter 1-26.

4.16 Emergency Release Reporting Requirements

1. The permittee shall report any emergency related to this permit or permitted facility that may endanger health or the environment as soon as possible, but no later than 24 hours after becoming aware of the circumstances as follows:

   a. During regular business hours (8:00 a.m. - 5:00 p.m. Central Time), the report shall be made at (605) 773-3351.

   b. Outside of normal business hours, the permittee shall contact the South Dakota Emergency Management at (605) 773-3231.

2. Sanitary sewer overflows, emergency discharges, upsets, and other unauthorized releases that do not meet the conditions of Paragraph 1 above shall be reported to the Secretary within 24 hours from the time the permittee becomes aware of the circumstances as follows:

   a. During regular business hours (8:00 a.m. - 5:00 p.m. Central Time), the report shall be made at (605) 773-3351.

   b. Outside of normal business hours, the permittee shall leave a message at 1-800-GET-DENR (1-800-438-3367).

3. Anticipated releases shall be reported to the Secretary in advance, if possible.

4. The Secretary may require the permittee to notify the general public or downstream users that could be or will be impacted by the emergency discharge.

   a. In making the decision to require public notification, the Secretary will consider the potential impacts as a result of the discharge, the downstream beneficial uses (such as drinking water or recreation), and the potential for public contact.

b. If required by the Secretary, the permittee shall notify the public and/or downstream users as soon as possible, but in no case more than 24 hours after the discharge begins.

5. In addition to verbal notification, the permittee shall submit a written report of the circumstances regarding the sanitary sewer overflow, emergency discharge, or other unauthorized release to the Secretary using the Emergency Release Reporting Summary Form in Appendix A.

   a. Reports shall be submitted to the address listed in **Section 4.14 – Reporting of Monitoring Results**.

   b. The written submission shall contain:

      i. A description of the event and its cause;
      ii. The period of the event, including exact dates and times;
      iii. Where the wastewater was discharged;
      iv. The estimated time the event is expected to continue if it has not been corrected;
      v. Any adverse effects, such as fish kills;
      vi. If public notification was required, describe how the public was notified of the discharge; and
      vii. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the event.

   c. The written report shall be submitted by the 28th day of the following month. The Secretary may require a written report to be submitted sooner or may require additional information if the discharge has the potential to impact human health or the environment.

4.17 Bypass Reporting

1. The permittee may allow anticipated bypasses to occur that do not result in a discharge and will not result in a violation of the effluent limits, but only if for essential maintenance to ensure efficient operation.

2. The permittee shall submit notice of bypass as follows:

   a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Secretary at least 10 days before the date of the bypass.

   b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass to the secretary at (605) 773-3351 by the first workday (8:00 a.m. – 5:00 p.m. Central Time) following the day the permittee became aware of the circumstances.

4.18 Records Contents

Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;

2. The initials or names of the individuals who performed the sampling or measurements;

3. The dates analyses were performed;

4. The time analyses were initiated;

5. The initials or names of individuals who performed the analyses;

6. References and written procedures, when available, for the analytical techniques or methods used; and,

7. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

4.19 Signatory Requirements

1. All permit applications, reports or information submitted to the Secretary shall be signed and certified by either a principal executive officer or ranking elected official.

2. All reports required by the permit and other information requested by the Secretary shall be signed by a person described in paragraph 1 of this section or by a duly authorized representative of that person. A person is a duly authorized representative only if:

   a. The authorization is made in writing by a person described above and submitted to the Secretary; and,

   b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of superintendent or equivalent responsibility, or an individual or position having overall responsibility for environmental matters. A duly authorized representative may be either a named individual or any individual occupying a named position.

3. If an authorization under paragraph 2 a. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Secretary.

4. Any person signing a document under this section shall make the following certification:

   I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware

that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

4.20 Retention of Records

1. The permittee shall retain records of all monitoring information and other data required by this permit. This includes:

   a. Data collected on site;

   b. Copies of all Discharge Monitoring Report Forms;

   c. A copy of the permit;

   d. All calibration and maintenance records;

   e. All original strip chart recordings for continuous monitoring instrumentation;

   f. Copies of all other reports required by this permit; and

   g. Records of all data used to complete the application for this permit.

2. This information must be retained for a period of at least **three years** from the date of the sample, measurement, report, or application. This period may be extended by request of the Secretary at any time. Data collected on site, copies of Discharge Monitoring Reports, and a copy of this permit must be maintained on site during the duration of the permitted activity.

4.21 Availability of Reports

Except for data determined to be confidential under ARSD Section 74:52:02:17, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of SDDENR. The name and address of the permittee, permit applications, notices of intent, permits, and effluent data shall not be considered confidential.

4.22 Duty to Provide Information

1. The permittee shall furnish to the Secretary, within a reasonable time, any information the Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Secretary, upon request, copies of records required to be kept by this permit.

2. If the permittee becomes aware that it failed to submit any relevant facts in a permit application form, or submitted incorrect information in a permit application form or any report to the Secretary, it shall promptly submit such facts or information.

4.23 Planned Changes

The permittee shall give notice to the Secretary as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the

alteration or addition could significantly change the nature or increase the quantity of pollutant discharged, or could result in noncompliance with permit conditions. This notification also applies to pollutants that are not subject to effluent limits or other notification requirements in this permit.

5.0 COMPLIANCE REQUIREMENTS

5.1 Duty to Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the South Dakota Water Pollution Control Act and the federal Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application (a violation of a condition of this permit is subject to SDCL Section 34A-2-75).

5.2 Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any wastewater discharge and/or sludge disposal or reuse in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

5.3 Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

5.4 Upset Conditions

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limits if the requirements of Paragraph 2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review (i.e., Permittees will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with technology-based permit effluent limits).

2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

    a. An upset occurred and that the permittee can identify the cause(s) of the upset;

    b. The permitted facility was at the time being properly operated;

    c. The permittee submitted notice of the upset as required under **Section 4.16– Emergency Release Reporting Requirements**; and,

    d. The permittee complied with mitigation measures required under **Section 5.2 – Duty to Mitigate.**

3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

5.5 Penalties for Violations of Permit Conditions

Any person who violates a permit condition is in violation of the provisions of SDCL 34A-2-36, and is subject to penalties under SDCL 34A-2-75. In addition to a jail sentence authorized by SDCL 22-6-2, such violators are subject to a criminal fine not to exceed ten thousand dollars per day of violation. The violator is also subject to a civil penalty not to exceed ten thousand dollars per day of violation, or for damages to the environment of this state. Except as provided in **Section 5.4 – Upset Conditions**, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

5.6 Penalties for Falsification of Reports

1. Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, is in violation of the provisions of SDCL 34A-2-77, and is subject to penalties under SDCL 34A-2-75.

2. Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit is in violation of the provisions of SDCL 34A-2-77, and is subject to penalties under SDCL 34A-2-75.

3. In addition to a jail sentence authorized by SDCL 22-6-2, such violators are subject to a criminal fine not to exceed ten thousand dollars per day of violation. The violator is also subject to a civil penalty not to exceed ten thousand dollars per day of violation, or for damages to the environment of this state.

5.7 Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude SDDENR from taking any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to that the permittee is or may be subject under section 311 of the Federal Clean Water Act.

6.0 INDUSTRIAL WASTES

The permittee shall operate an industrial pretreatment program in accordance with the Administrative Rules of South Dakota, Chapter 74:52:11 and the approved POTW pretreatment program submitted by the permittee. The pretreatment program was approved on August 21, 1995 and has subsequently incorporated significant modifications approved by the Approval Authority. The POTW approved pretreatment program, and any Approval Authority approved modifications thereto, is hereby incorporated by reference and shall be implemented in a manner consistent with the following requirements:

6.1 Contributing Industries and Pretreatment Requirements

1. Industrial user information shall be updated at a minimum of once per year or that frequency necessary to ensure that all industrial users are properly permitted and/or controlled at all times. Records shall be maintained and updated as necessary;

2. The permittee shall sample and inspect each Significant Industrial User at least once a year ARSD, Section 74:52:11:01, [a.b.r. 40 CFR 403.8 (f)(2)(v)]. This is in addition to any industrial self-monitoring activities;

3. The permittee shall require a slug prevention plan, including a spill prevention plan where appropriate, from all Significant Industrial Users with a potential to discharge slugs or spills. Where a slug prevention plan is required, the permittee shall review and update this plan every two years and insure that the plan contains at least the minimum elements required in ARSD, Section 74:52:11:01, [a.b.r. 40 CFR 403.8(f)(2)(v)];

4. The permittee shall enforce all applicable pretreatment standards and requirements and obtain remedies for noncompliance by any industrial user;

5. The permittee shall control through the legal authority in the approved pretreatment program, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users identified as significant under ARSD, Section 74:52:11:01, [a.b.r. 40 CFR 403.3(t)], this control shall be achieved through permit, order, or similar means and contain at a minimum, the following conditions:

    a. Statement of duration (in no case more than five years);
    b. Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
    c. Effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and State and local law;
    d. Self-monitoring, sampling, reporting, notification and record keeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in ARSD, Section 74:52:11:01

[a.b.r. 40 CFR 403], categorical pretreatment standards, local limits, and State and local law; and

e. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond federal deadlines.

6. The permittee shall provide adequate staff, equipment, and support capabilities to carry out all elements of the pretreatment program;

7. The pretreatment program shall not be substantially modified by the permittee without the prior approval of the Approval Authority. Substantial and non-substantial modifications shall follow the procedures outlined in ARSD, Section 74:52:11:01 [a.b.r. 40 CFR 403.18]; and

8. The permittee shall notify all significant industrial users of the user's obligation to comply with applicable requirements under the South Dakota Solid and Hazardous Waste Management Acts and ARSD, Articles 74:27 and 74:28.

6.2 Local Limits

1. The permittee shall establish and enforce specific local limits to implement the provisions of ARSD, Section 74:52:11:01 [a.b.r. 40 CFR 403.5(a) and (b)], as required by ARSD, Section 74:52:11:01 [a.b.r. 40 CFR 403.5(c)]. Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits.

2. In accordance with EPA policy and with the requirements of ARSD, Section 74:52:11:01 [a.b.r. 40 CFR 403.8(f)(4) and 40 CFR 403.5(c)], the permittee shall determine if technically based local limits are necessary to implement the general and specific prohibitions of ARSD, Section 74:52:11:01 [a.b.r. 40 CFR 403.5(a) and (b)]. This evaluation should be conducted in accordance with the latest revision of the "EPA Region VIII Strategy for Developing Technically Based Local Limits," and after review of the "Guidance Manual on the Development and Implementation of Local Discharge Limits Under the Pretreatment Program", (2005).

3. All specific prohibitions or limits developed under this requirement are deemed to be conditions of this permit.

6.3 Enforcement Response Plan

The permittee shall develop, implement, and maintain an enforcement response plan as required by ARSD, Section 74:52:11:01 [a.b.r. 40 CFR 403.8(f)(5)] which shall:

1. Describe how the POTW will investigate instances of noncompliance;

2. Describe the types of escalating enforcement responses the POTW will take in response to all anticipated type of users violations; and

3. Describe the time periods within which such responses will be taken and identify the POTW staff position(s) responsible for pursuing these actions.

6.4 Industrial Users in Significant Violation

The permittee shall prepare annually a list of Industrial Users, which during the preceding 12 months have significantly violated pretreatment requirements. This list is to be published annually in the largest newspaper in the municipality.

6.5 Annual Reporting Requirements

In addition, on or before March 28th of each year, the permittee shall submit a pretreatment program annual report to the Secretary and EPA, which contains the following information:

1. An updated list of all significant industrial users as defined by ARSD, Section 74:52:11:01, [a.b.r. 40 CFR 403.3(t)]. For each significant industrial user listed, the following information shall be included:

    a. All applicable Standard Industrial Classification (SIC) codes and categorical determination, as appropriate. In addition, a brief description of the industry and general activities;
    b. Permit status. Whether each significant industrial user has an effective control document and the date such document was last issued, reissued, or modified, within the previous 12 months;
    c. A summary of all monitoring activities performed within the previous 12 months. The following information shall be reported:

        1. Total number of inspections performed;
        2. Total number of significant industrial users inspected;
        3. Total number of sampling visits made; and
        4. Total number of significant industrial users sampled.

2. For all other industrial users that were in significant noncompliance during the previous 12 months; provide the name of the violating industrial user, indicate the nature of the violations, the type and number of actions taken (warning letter, notice of violation, administrative order, criminal or civil suit, fines or penalties collected, etc.) and current compliance status. If the industrial user was put on a schedule to attain compliance with effluent limits, indicate the date the schedule was issued and the date compliance is to be attained. Determination of significant noncompliance shall be determined as required in ARSD, Section 74:52:11:01 [a.b.r. 40 CFR 403.8(f)(2)(vii)].

3. A list of all significant industrial users whose authorization to discharge was terminated or revoked during the preceding 12 month period and the reason for termination.

4. A report on any interference, pass through, upset or POTW permit violations known or suspected to be caused by industrial contributors and actions taken by the permittee in response.

5. The results of all influent, effluent and sludge analyses performed during the reporting period.

6. Verification of publication of Industrial Users in significant noncompliance.

7. Identification of the specific locations, if any, designated by the POTW for receipt of trucked or hauled waste.

8. Identification of any source of discharge to the POTW from the following activities:

   a. Clean-up from underground storage tanks;
   b. Hauled industrial waste; and
   c. Groundwater clean-up from RCRA or Superfund sites.

9. A description of any waste minimization, source reduction, or pollution prevention initiatives being implemented by the POTW through its industrial pretreatment program. In addition, the POTW should report any activities being undertaken by the industrial users towards pollution prevention;

10. A description of all changes made during the previous calendar year to the permittee's pretreatment program. For each change, indicate if the change was substantial, the date the change was submitted to the Secretary, and if substantial, the date approved by the Secretary, and the effective date of the change; and

11. Other information that may be deemed necessary by the Pretreatment Approval Authority.

The permittee may be required to complete a pretreatment program annual report form provided by the Secretary. This form may be completed and submitted in lieu of the information listed above.

6.6 Prohibited Pollutants

The following pollutants shall not be introduced into the treatment facility:

1. Pollutants, which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 60 degrees Centigrade (140 degrees Fahrenheit) using the test methods specified in ARSD, Section 74:28:22:01, a.b.r. 40 CFR 261.21;

2. Pollutants, which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0 or greater than 12.5, unless the works are specifically designed to accommodate such discharges;

1. Solid or viscous pollutants in amounts, which will cause obstruction to the flow in the POTW, or other interference with the operation of the POTW;

4. Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;

5. Heat in amounts, which will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees Centigrade (104 degree Fahrenheit);

6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

7. Pollutants, which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

8. Any trucked or hauled pollutants, except at discharge points designated by the POTW; and

9. Any specific pollutant, which exceeds a local limit established by the POTW in accordance with the requirements of ARSD, Section 74:52:11:01 [a.b.r. 40 CFR 403.5(c) and (d)].

The permittee shall provide adequate notice of any substantial change in the volume or character of pollutants being introduced into the treatment works by an industrial user.

Adequate notice shall include information on:

1. The quality and quantity of effluent to be introduced into the treatment works, and

2. Any anticipated impact of the change on the quality or quantity of effluent to be discharged from the POTW.

6.7 Other Requirements

1. Section 309(f) of the federal Act provides that EPA or state may issue a notice to the POTW stating that a determination has been made that appropriate enforcement action must be taken against an industrial user for noncompliance with any pretreatment requirements. The notice provides the POTW with 30 days to commence such action. The issuance of such permit notice shall not be construed to limit the authority to meet an applicable pretreatment standard.

2. The permit issuing authority retains the right to take legal action against any industrial user and/or the POTW for those cases where a SWD permit violation has occurred because of failure of an industrial user to meet an applicable pretreatment standard.

7.0 ADDITIONAL PERMIT CONDITIONS

7.1 Inspection and Entry

The permittee shall allow the Secretary or EPA, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,

4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the South Dakota Water Pollution Control Act, any substances or parameters at any location.

7.2 Removed Substances

1. Collected screenings, grit, solids, sludges, or other pollutants removed in the course of treatment shall be disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard in accordance with applicable requirements of SDCL 34A-2, -6, and -11.

2. If sludge disposal is necessary, the permittee shall submit to the Secretary a sludge disposal plan for review and approval prior to the removal and disposal of sludge. The permittee shall not dispose of sludge without the Secretary's approval.

APPENDIX A

Emergency Release Reporting Form

EMERGENCY RELEASE REPORTING FORM

This form is to be used to summarize the reporting requirements for any emergency discharge, sanitary sewer overflow, or unauthorized discharge from the permitted facility.

Address:		☐ **Outfall 002N** ☐ **Outfall 003N** ☐ **Outfall 004N**	
Facility Contact:		**Phone:**	

Description of Event

(Attach additional sheets if necessary)

Please check the boxes below, as appropriate, to indicate the type of emergency release being reported (See* Definitions *for an explanation of each term).

☐ **Emergency Discharge** ☐ **Sanitary Sewer Overflow** ☐ **Unauthorized Release**

Date and Time the discharge began or was discovered:	
Date and Time the discharge was stopped:	

Describe the events resulting in the discharge and its cause(s):

Where was the wastewater discharged:

Describe the steps taken or planned to reduce, eliminate, and prevent reoccurrence:

Time and Date 24-Hour Notice of Noncompliance given to SDDENR:	
Describe any adverse effects, such as fish kills, etc.:	
Duration of discharge (include dates and times):	
Total flow, million gallons:	

ANALYTICAL RESULTS

Parameter	Sample 1	Sample 2	Sample 3	Sample 4	Sample 5	Sample 6	Sample 7
Date and time of sample							
Flow Rate, million gallons per day							
pH, standard units							
Water Temperature, °C							
Escherichia Coli, no./l00 mL							
Total Coliform, no./l00 mL							
Ammonia as N, mg/L							
Total Suspended Solids (TSS), mg/L							
Five-Day Biochemical Oxygen Demand (BOD_5), mg/L							
Oil and Grease, visual							
Oil and Grease, mg/L							

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name (print): _____ Title: _____

Signature: _____ Date: _____